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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,241	01/13/2004	Stephen V. Iacullo		9642

7590
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5473 W. Carriage Dr.
Tucson, AZ 85742

11/18/2004

EXAMINER

PASSANITI, SEBASTIANO

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/755,241	IACULLO, STEPHEN V.	
	Examiner	Art Unit	
	Sebastiano Passaniti	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is responsive to communication received 01/13/2004 – application papers filed; 04/26/2004 – Response to Notice to File Missing Parts.

Claims 1-10 are pending.

Following is an action on the MERITS:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozment in view of Kastenhuber and applicant's admission of old and well-known methods (hereinafter, PRIOR ART). As to claim 1, reference is made to the highlighted Figure 1 in Ozment showing a means for stabilizing the toe, means for stabilizing the heel and means for stabilization including an element attached to both the heel and the toe. As to claims 2 and 3, note the highlighted connection of the neck to the toe and heel of the putter head. As to claim 4, the toe and heel brackets together with the neck form a "Y" shape. As to claim 5, the toe and heel brackets are connected through the stabilizer. As to claim 6, note the comments for claim 5, supra. Ozment differs from the claimed invention in that Ozment does not explicitly discuss a welding operation and further fails to explicitly show an oval, straight or bent arrangement for the heel bracket, toe bracket and stabilizer. The applicant has admitted on pages 13 and 14 that the heel

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and toe brackets as well as the vibration stabilizer may be attached by gluing, welding or mechanically fastening in a manner well known to those skilled in the art. This is PRIOR ART. Moreover, the patent to Kastenhuber shows it to be old in the art to attach the heel and toe arms to the club head via mechanical fasteners or adhesive, while further indicating that the use of brazing, welding, cementing or the like may be used in the assembly process of the club head. See col. 3, lines 20-53 in Kastenhuber. In view of the PRIOR ART supplied by the applicant and the patent to Kastenhuber, it would have been obvious to modify the device in the cited art reference to Ozment by attaching the heel and toe brackets as well as the vibration stabilizer through a welding operation, since welding is a common expedient often employed to join mating parts together in the club head art. As for the claimed shape of the elements, the Kastenhuber device obviates the use of round, straight or bent brackets. See col. 3, lines 28-31 and Figures 10 and 134 in Kastenhuber.

Claims 1-10 are objected to because of the following informalities: The claims should be reviewed for grammatical inconsistencies. Examples of some common errors discovered during the reading of the claim language follow:

As to claim 1, the last full paragraph is confusing, since the connection between the means for stabilizing the toe and the heel and the means for stabilization has already been detailed.

As to claim 2, line 3, "a has to be able to connect" is incoherent.

As to claim 3, line 3, "a has to be able to connect" is incoherent.

As to claim 4, lines 3 and 4, "a connecting the toe bracket" is confusing.

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As to claim 5, line 4, here again, "a has to be able to connect" does not make sense.

As to claim 6, lines 4, 7 and 16, "a has to be able to connect" is vague.

As to claims 7, 8 and 9, "from the following group:" should more precisely read --from the group consisting of--.

As to claim 19, line 2, the period after "vibration" should be deleted. In each of lines 4, 8 and 18, "a has to be able to connect" should be clarified. Also, the verbiage should be phrased so that the claim is in one-sentence-form, with only a single period and no capitalization within the body of the claim.

Appropriate correction is required.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Figure 3 in Benson. Note Figure 2 in Strop. Observe Figure 7 in Nebbia. Crews shows a connection in Figure 1, of interest. Pritchett shows a heel and toe connection (Y-shape) in Figure 5. Note the putter styles in Inman and Kastenhuber. Note Figure 7 in Palmer. Note Figure 1 in Thompson. Putman shows a connection (6), of interest. Note the designs by Mospan, Comitz, Letters, Ernst, Slagle, Montealegre and Gerritzen. Each of Hackbarth (Figure 2), Fitzjohn (Figure 5), Deluca (Figure 1), Farrar (Figure 4), Bennett (Figure, 1, 3, 9), Mockovak (Figure 1) and Allen (Figures 2, 3) show connections between the heel and toe, of interest.

SUGGESTIONS FOR FURTHER CORRESPONDENCE

If applicant continues to prosecute the application, revision of the specification and claims to present the application in proper form is required. While an application

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can be amended to make it clearly understandable, no subject matter can be added that was not disclosed in the application as originally filed. Note copies of 37 CFR § 1.111-1.138 attached to this Office action.

The following is a format, which may be used to transmit a letter to ratify a revision of the specification/claims/drawings:

I hereby ratify that the revision to the specification, claims, and/or drawings submitted on _____ for Serial # _____ contains no new matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor _____

Inventor's signature _____ Date _____

It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Serial number (checked for accuracy).
2. Group art unit number (copied from filing receipt or most recent Office Action).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.

The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in

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such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____.
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Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


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The applicant is strongly encouraged to visit the official website for the USPTO at (www.uspto.gov) for access to additional information and services available to individual inventors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Mon-Fri (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sebastiano Passaniti
Primary Examiner
Art Unit 3711

S.Passaniti
November 15, 2004